II. REMARKS

Reconsideration of the present application as amended, and in view of the following remarks, is respectfully requested.

Claims 1, 3-5, 7-10, 12-16, 20, 22-26, 28, 30-38, and 40-45 are currently pending. Claims 1, 8, 14, 15, 20, 26, 30, and 35 have been amended without prejudice. Claims 2, 6, 11, 21, 27, and 29 have been canceled without prejudice. Claim 39 has been previously withdrawn. Claims 17-19 have been previously canceled. It is respectfully submitted that no new matter has been added by virtue of the present amendment.

Applicants have amended claims 1 and 20 to incorporate certain subject matter from claims 2 and 6.

Initially, Applicants note that in the present Office Action, the Examiner asserted that the application contains claim 39, drawn to a non-elected invention. In response, Applicants note that claim 39 was previously withdrawn in the communication filed on August 22, 2003.

A. REJECTIONS UNDER 35 U.S.C. § 112

Claim 35 was rejected under 35 U.S.C. §112, second paragraph, for indefiniteness, stating that "the phrase, 'rubber-like polymer' does not set out the metes and bounds of the claim." In response, the term "rubber-like" in claim 35 has been deleted without prejudice.

Claim 44 was rejected on the grounds that the limitation, "softening ester" lacks sufficient antecedent basis in claim 23. In response, Applicants respectfully note that in the Response filed on March 10, 2004, claim 44 was amended to recite, "softening agent" rather than "softening ester" in order to provide sufficient antecedent basis.

The Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. §112, second paragraph.

B. REJECTION UNDER 35 U.S.C. § 103

Claims 1-16, 20-38 and 40-45 were rejected under 35 U.S.C. § 103(a), "as being unpatentable over WO 93/10781 [hereafter, 'WO'781'] in view of U.S. 5,091,186 to [hereafter, 'Miranda et al.']."

WO'781 and Miranda et al, alone or in combination, do not teach several aspects of the present invention, including (with reference to claim 1) maintaining a transdermal delivery system in contact with the skin for at least 3 days, maintaining a therapeutic blood level until the end of at least a three-day dosing interval, providing a mean relative release rate of from about 2.7 micro grams/cm2/hr to about 10.8 micro grams/cm2/hr at 72 hours, or a transdermal delivery system providing a plasma level of felodipine of at least 0.1 ng/ml within about 6 hours after application. Similarly, WO '781 and Miranda et al, alone or in combination, do not teach several aspects of the present invention as found in claim 20.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection over WO '781 in view of Miranda et al.

C. REJECTION UNDER 35 U.S.C. § 103

Claims 37, 38, 44 and 45 were rejected under 35 U.S.C. § 103(a) "as being unpatentable over WO'781 in view of US '186 ['Miranda et al.'] as applied to claims 1-16, 20-38 and 40-45 above, and further in view of U.S. Patent No. 5,240,711 [hereafter 'Hille']."

This rejection is traversed. It is respectfully submitted that Hille et al. fail to cure the deficiencies of the combination of WO '781 in view of Miranda et al. as presented above.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection over these references.

III. CONCLUSION

Applicants believe that the above-referenced rejections have been obviated and respectfully request that the rejections be withdrawn. Applicants believe that all claims are now in condition for allowance.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance prosecution of the present application. An early and favorable action is earnestly solicited.

Respectfully submitted,

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